

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

Applicants believe that the above changes answer the Examiner's objection to and 35 U.S.C. 112, paragraph 2, rejection of the claims, and respectfully request withdrawal thereof.

The Examiner has rejected claims 1-3, 7-9 and 13-15 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 7,096,504 to Tagawa et al. Applicants acknowledge that the Examiner has found claims 4-6, 10-12 and 15-18 allowable over the prior art of record.

The Tagawa et al. patent discloses a distribution system, semiconductor memory card, receiving apparatus, computer-readable recording medium and receiving method, in which a recording medium may include encrypted data, plain text data, an encryption key and usage rules.

As noted in MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Examiner has indicated "Tagawa disclose a first keylocker which holds information about the data and a second keylocker which holds the same information, which two keylockers are positioned adjacent to each other on the track in (fig.2b, c)".

Applicants submit that the Examiner is mistaken. In particular, Figs. 2B and 2C of Tagawa et al. do not show two keylockers positioned adjacent to each other. Rather, Figs. 2B and 2C show separate situations where a copyrighted material is recorded onto a recording medium without Usage Rule information (2B), and where a copyrighted material is recorded onto a recording medium together with Usage Rule information (2C) (see col. 4, lines 36-41, and col. 6, line 66 to col. 7, line 20. Applicants submit that there is no disclosure or suggestion of a second keylocker containing the same information as contained in the first keylocker but arranged differently.

The Examiner further indicates that Tagawa et al. discloses "the information of the first keylocker being arranged differently from the information of the second keylocker in that the information that is to be invalidated of at least one keylocker is positioned closer to the other keylocker than in a situation in which the information of the keylocker is arranged identically (fig. 1 and col. 11, lines 13-25)."

Again, Applicants submit that the Examiner is mistaken. In particular, Fig. 1 merely shows a recording medium containing copyrighted material arranged in four separate and distinct sections, to wit, encrypted data, plain text data, encryption key

and usage rules, none of which are the same as any other. Further, the noted section of Tagawa et al. states:

"This process is performed as follows. The SD memory card 100 is connected to the customer device 111, and if a check-out instruction is issued, encrypted data and plain text data are written into the user data area 8 on the SD memory card 100. An encryption key corresponding to the copyrighted material is also written into the protected area 3. Then a number of check-outs is decremented. If the data set forming the copyrighted material is recorded onto three SD memory cards 100, thereby causing the number of check-outs to be decremented to 0, the customer device 111 sets the encryption key, encrypted data, and plain text data stored in local storage in a state that does not permit check-out, as shown in FIG. 8C."

It should be apparent from the above that encrypted data and plain text data are written in the user data area, and an encryption key is written in the protected area of the SD memory card. However, there is no disclosure of any information being stored once in a first keylocker on the recording medium and the same information being stored in a second keylocker on the same recording medium, in which the information stored in the second keylocker is arranged differently from the information stored in the first keylocker.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believes that this application, containing claims 1-18, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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